

2. I am a Special Agent of the United States Secret Service and have been so employed since 2009. I am currently assigned to the New York Field Office of the United States Secret Service. In this capacity, I have received extensive training and have experience in conducting investigations related to the detection of false or altered identification documents. In addition, my other duties and responsibilities include the investigation of alleged violations of federal criminal laws involving fraud in connection with computers, bank fraud, identification fraud, and access device fraud.

3. This affidavit is intended to show only that there is sufficient probable cause for the requested warrant and does not set forth all of my knowledge about this matter.

**The Statutes**

4. Title 18, United States Code, Section 1543 provides that "Whoever willfully and knowingly uses, or attempts to use, or furnishes to another for use any such false, forged, counterfeited, mutilated, or altered passport or instrument purporting to be a passport, or any passport validly issued which has become void by the occurrence of any condition therein prescribed invalidating the same. Whoever violates this section shall be fined under this title, imprisoned not more than 10 years, or both."

5. Title 31, United States Code, Section 5324 provides that "No person shall, for the purpose of evading the reporting requirements of section 5313(a) or 5325 or any regulation prescribed under such section, the reporting or record keeping requirements imposed by any regulation prescribed under section 5326, or the record keeping requirements imposed by any regulation prescribed under section 21 of the Federal Deposit Insurance Act. Whoever violates this section shall be fined under this title, imprisoned not more than 5 years, or both."

6. Title 1343, United States Code, Section 1343 provides that "Whoever, having devised or intending to devise any scheme or artifice to defraud, or for obtaining money or property by means of false or fraudulent pretenses, representations, or promises, transmits or causes to be transmitted by means of wire, radio, or television communication in interstate or foreign commerce, any writings, signs, pictures, or sounds for the purpose of executing such scheme or artifice, shall be fined under this title or imprisoned not more than 20 years or both."

**Probable Cause**

7. On or about January 20, 2011, Special Agent David Konopczyk was informed by Detective Matt Conley, Austin, Texas Police Department that an unidentified individual was presenting himself to various Money Box check cashing establishments in the Austin area, using

multiple French passports and wiring monetary funds to Romania and Bulgaria via Money Gram. Detective Conley forwarded to SA Konopczyk information which he had obtained from Money Box, to include store surveillance photographs of an individual conducting approximately 15 wire transfers sending money to either Romania or Bulgaria. The individual used approximately twelve (12) fictitious French passports in different names to conduct the transactions. Photocopied/scanned images of at least five (5) French passports presented during the transactions were provided. Money Box employees did not scan all passports presented as identification, thus explaining why there are only five (5) scans available. All 15 transactions were more than \$2,800.00 but less than \$3,000.00. Any transaction over \$3,000.00 triggers the Bank Secrecy Act, requiring a more stringent ID documentation. Upon reviewing the images provided to SA Konopczyk, he recognized the same unidentified individual conducting each transaction.

8. On or about January 18, 2011, the unidentified individual presented for identification a fictitious French passport, TFE750130 in the name of Dinca Matei at a Money Box located at 3840 Airport Blvd in Austin, Texas. The individual wired \$2,910.00 to Florin Bucur of Bulgaria.

9. On or about January 19, 2011, the unidentified individual presented for identification a fictitious French passport, LFE750131 in the name of Pavel Nicu at a Money Box located at 6401 Airport Blvd in Austin, Texas. The individual wired \$2,890.00 to a Victor Marius of Romania. A copy of the French passport was scanned at this time by a Money Box employee.

10. On or about January 20, 2011, the unidentified individual presented for identification a fictitious French passport, FE750136 in the name of Ilie Andu at a Money Box located at 2514 East Ben White Boulevard in Austin, Texas. The individual wired \$2,910.00 to an Andreea Valentia of Romania. A copy of the French passport was scanned at this time by a Money Box employee.

11. On or about January 20, 2011, the unidentified individual presented for identification a fictitious French passport, SLFE750136 in the name of Ilies Andu at a Money Box located at 3148-B Highway 71 East in Austin, Texas. The individual wired \$2,880.00 to a Constantine Gabriel of Romania. A copy of the French passport was scanned at this time by a Money Box employee.

12. On or about January 20, 2011, the unidentified individual presented for identification a fictitious French passport, FE750135 in the name of Tudoras Alinut at a Money Box located at 3706 Guadalupe Street in Austin, Texas. The individual wired \$2,880.00 to an Adrian Lucian of Romania. A copy of the French passport was scanned at this time by a Money Box employee.

13. On or about January 20, 2011, the unidentified individual presented for identification a fictitious French passport, FE750134 in the name of Tudor Alin at a Money Box located at 2205 East 7<sup>th</sup> Street in Austin, Texas. The individual wired \$2,875.00 to a Stefan Toma of Romania. A copy of the French passport was scanned at this time by a Money Box employee.

14. On or about January 24, 2011 SA Konopczyk learned the same individual was presently at a Money Box store located at 3840 Airport Boulevard in Austin, Texas attempting to change the beneficiary of a wire transfer he previously sent on 1/18/11 using a fictitious French passport, TFE750130 in the name of Dinca Matei.

15. On or about January 24, 2011, a Police Officer with the Austin Police Department, responded to the Money Box and detained the individual. The individual identified himself to the officer as Andrei Daniel Avram.

16. On or about January 24, 2011, Special Agent Tracy Steed of the U.S. Secret Service, Det. Conley, and SA Konopczyk responded to the Money Box store to investigate. Money Box store employee, Todd Komurek, advised that the French passport of Dinca Matei was being presented as identification to change the January 18, 2011 wire beneficiary. A review of that passport by SA Konopczyk revealed that the U.S. immigration stamp appeared to have been printed with

computer printing technology and not that of actual immigration ink and stamp. Additionally, the last zero (0) of the passport number (TFE750130) was printed on top of a laminate cover and not on the passport paper. The passport bore Avram's photograph.

17. Avram is clearly depicted on Money Box surveillance photographs and photographs of the French passports he used to wire the funds, thus indicating that he has presented one or more fictitious French passports during suspicious financial transactions.

18. On or about 1/24/11, SA Konopczyk arrested Avram at 3840 Airport Boulevard in Austin, Texas for a violation of 18 USC section 1543, Forgery or False use of Passport. Based on a search incident to the arrest of Avram, law enforcement officers found a Bank of America Debit Card, account number 4744722016887723.

19. On or about January 26, 2011, based on sharing investigative information with Romuald Muller, Police Attaché, French Embassy, Washington D.C. it was learned that Avram was using the same basic passport number (07 FE 75013) for each Money Box transaction but was altering that passport on either the front end or back end. Muller confirmed with French authorities that the passports are false.

20. On or about February 1, 2011, a Western District of Texas Grand Jury Subpoena was issued to Bank of America for any and all records pertaining to Avram's account, 4744722016887723.

21. On or about February 17, 2011, SA Konopczyk received information from Howard Williamson of the Western Union Cooperation. The information provided revealed 1.4 million dollars of wire activity into and out of the State of Texas since August of 2010. The information provided by Western Union was compiled on the basis that the senders of said wires claimed that they were defrauded by an Internet scam. All wires were conducted for dollar amounts below \$3,000, thus not requiring the heightened identification requirements of the Bank Secrecy Act of 1970. All incoming wires went to HEB grocery store chain located in Texas. Individuals based

in an Eastern European country such as Romania commonly perpetrate this type of Internet scam. They use the Internet to advertise the sale of a vehicle. They then agree to sell the vehicle to an Internet purchaser (victim) and arrange for monetary funds to be wired to them from the purchaser (victim). Eventually the purchaser (victim) realizes that the vehicle does not exist and that they have been defrauded of the funds that they have wired. The criminal group or enterprise needs a member of their group to be based here in the boundaries of the United States in order to receive the fraudulent wires. The United States Secret Service and other Federal Law enforcement agencies have numerous cases entering the dollar loss amount into the millions across the United States.

22. On or about February 17, 2011, SA Konopczyk contacted Chris Perkins, Loss Prevention for HEB grocery. Perkins revealed that HEB has open fraud cases with the West Lake Hills, Texas Police Department and the Round Rock, Texas Police Department. The HEB cases involve victims previously agreeing to purchase a vehicle on the Internet, then wiring monetary funds to purchase said vehicle, but never receiving it. Perkins revealed that he had video surveillance of an unknown white male collecting the wire transactions.

23. On or about February 17, 2011, Chris Perkins sent SA Konopczyk the HEB video surveillance of the unknown white male. SA Konopczyk positively identified the individual in the HEB video as Avram. Avram's role of collecting the wired money from the HEB grocery stores is consistent with the Romanian Internet criminal enterprise. An individual such as Avram is needed in the United States to be able to collect monetary wires from the victims. It was then Avram's job to wire the monetary funds (proceeds) back to the criminal enterprise located in Romania.

24. On February 22, 2011, SA Konopczyk met with Detective Hills of the West Lake Hills, Texas Police Department. Det. Hills provided information regarding his open case. Victim, Arthur Henry of Metairie, Louisiana agreed to purchase a Ford pickup truck on eBay from the

user ID, king.mellisa@gmail.com for \$2,990.00. King.mellisa@gmail.com convinced Henry to wire the money to a "Brian Palmer". On January 15, 2011 from the State of Louisiana, Henry wired \$2,990.00 to "Brian Palmer." On that same date, "Brian Palmer" collected the wire transaction at HEB, 701 South Capitol of Texas Highway, West Lake Hills, Texas. The HEB video surveillance of that transaction shows that Avram picked up the "Brian Palmer" wire transfer. Henry never received the vehicle.

25. On February 23, 2011, SA Konopczyk met with Detective Acevedo of the Round Rock, Texas Police Department. Det. Acevedo provided information regarding his open case. Victim, Ahmad Ahmadi of Springfield, Virginia agreed to purchase a Ford pickup truck on Craigslist for \$2,600.00. On January 11, 2011 from the State of Virginia, Ahmadi wired \$2,600.00 to "Mark Ray." On the same date, "Mark Ray" collected the wire transaction at HEB, 603 Louis Henna Boulevard in Round Rock, Texas. The HEB video surveillance of that transaction shows that Avram picked up the "Mark Ray" wire transfer. Ahmadi never received the vehicle.

26. On or about March 1, 2011, Bank of America responded to the Western District of Texas Grand Jury Subpoena. Among other account information it was revealed that on September 23, 2010, Avram opened a Safe Deposit Box account with Bank of America. The account number is 004126000186 and the location is 5901 Myrtle Avenue, Ridgewood, New York. The Bank of America, Safe Deposit Box Record of Entry indicates that the box was accessed on approximately four (4) occasions. The dates and times of those access occurrences are: 9/23/10@10:34AM, 11/2/10@10:19AM, 11/3/10@2:23PM and 11/6/10@10:32. The signatures on the Record of Entry Log appear to be the same as the signature on the Safe Deposit Box application. As of March 22, 2011, the Safe Deposit Box was still registered in Avram's name.

27. Based on training and experience, I believe that Avram is a member of a large international criminal work group. It is common for criminals residing in Eastern European countries such as Romania and Bulgaria to be involved in highly sophisticated cyber and social

JD  
3/22/11  
JB  
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attacks, access device fraud and identity theft. They commonly engage such schemes as selling vehicles on eBay or Craigslist that do not exist, other than in digital form. They are astute at convincing their victims to wire the funds for vehicles prior to seeing them or receiving them. It is my belief that Avram is a co-conspirator working with members of a criminal enterprise located in his home country of Romania. Based on my experience and the collective experience of the United States Secret Service there is probable cause to believe that Avram's Safe Deposit Box contains fruits of his crime, victims identifiers, notes related to criminal activity, locations of Money Wire locations, images that may have been used to construct the fraudulent French passports, information or data that was used to construct the fraudulent French Passports, etc.,

**CONCLUSION**

28. I submit that this affidavit supports probable cause for a warrant to search the Safety Deposit Box and seize the items described in Attachments A.



LUKE D. DEVLIN  
SPECIAL AGENT  
UNITED STATES SECRET SERVICE

Sworn to before me this  
22nd day of March, 2011

1  
UNITED STATES MAGISTRATE JUDGE  
EASTERN DISTRICT OF NEW YORK



**ATTACHMENT A**

All records and or items, contained in Safe Deposit Box 18-6 located at 5901 Myrtle Avenue, Ridgewood, New York 11385 in the account of 004126000186, in the name of Andrei Avram, which constitute evidence, fruits and instrumentalities of violations of Title 18, United States Code sections 1343, 1543 and Title 31, United States Code section 5324, namely:

- a. passports, passport related information, images.
- b. credit card information or credit card numbers.
- c. information related to victims, associates or co-conspirators.
- d. information concerning travel and scheduling, including but not limited to hotel, air, rental car and fuel bills, invoices and receipts .
- e. bank records, checks, credit card bills, account information, and other financial records.
- f. cash, cashier's checks, money orders, jewelry, electronics equipment and any other proceeds of the scheme.